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7	Attorneys for Complainant		
8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	In the Matter of the Accusation Against: Case No. 2010-527		
11	·		
12	DIANE LYNN DUNKLIN AKA DIANE LYNN TORRES AKA DIANE LYNN		
13	SNYDER A C C U S A T I O N 3616 Earnhardt Drive		
14	Bakersfield, CA 93306 Registered Nurse License No. 580170		
15	Respondent.		
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18	Complainant alleges:		
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20	PARTIES		
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
22	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen		
23	of Consumer Affairs.		
24	2. On or about April 24, 2001, the Board of Registered Nursing issued Registered Nurs		
25	License Number 580170 to Diane Lynn Dunklin aka Diane Lynn Torres aka Diane Lynn Snyder		
26	(Respondent). The Registered Nurse License was in full force and effect at all times relevant to		
27	the charges brought herein and will expire on August 31, 2010, unless renewed.		
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 726 of the Code states in pertinent part:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3."

7. Section 2761 of the Code states in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Improper Relations with Patient)

- 9. Respondent is subject to disciplinary action pursuant to Code section 726, on the grounds of unprofessional conduct, in that Respondent engaged in romantic relationship with a patient under her care. Respondent admits to having a romantic relationship with Patient S.F. and admits to violating hospital policies regarding such relationships. The circumstances are as follows:
- a. Respondent was employed as a nurse at Atascadero State Hospital, which houses incarcerated individuals who require medical care. Respondent worked in unit 30, and provided nursing care to sexually violent predators (SVP). In or between, September 2005 through May 2006, Respondent developed a romantic relationship with Patient S.F., a sexually violent predator, who was assigned to Respondent's unit. Specifically, Respondent admits that her and Patient S.F. would hug, kiss and fondle each other. They would also speak on the phone and engage in conversations of a sexual nature. Respondent admits to receiving gifts and mail from Patient S.F. Respondent even provided a co-worker's address to Patient S.F., so he could send Respondent flowers and candy, while she visited the co-worker's home. Additionally, Respondent would spend extra time in the yard with Patient S.F. Respondent also provided Patient S.F. with copies of medical records and requests that Respondent made on his behalf. Respondent's conduct jeopardized the safety of herself and her co-workers at Atascadero State Hospital.
- b. Respondent's co-workers became concerned about her contact with Patient S.F., and filed a complaint with their superiors. On or about May 9, 2006, Respondent was made aware of the staff's concerns regarding her contact with Patient S.F. On or about May 10, 2006, Respondent was restricted from entering the secure area of the facility, where the SVPs live and receive care. An internal investigation ensued. In lieu of being discharged, Respondent resigned from her position on or about June 26, 2006. Following Respondent's resignation, she would go to Atascadero State Hospital to visit Patient S.F.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

Respondent is subject to disciplinary action pursuant to Code section 2761 10. subdivision (a) in that Respondent engaged in unprofessional conduct. Complainant's allegations, as set forth in paragraph 9 subparagraphs (a) and (b), are incorporated by reference, as though fully set forth.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 580170, issued to Diane 1. Lynn Dunklin, aka Diane Lynn Torres, aka Diane Lynn Snyder;
- Ordering Diane Lynn Dunklin to pay the Board of Registered Nursing the reasonable 2. costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
 - Taking such other and further action as deemed necessary and proper. 3.

DATED:	4/21/10	Louise L. Sailer
	/	LOUISE R. BAILEY, M.ED., RN
		Interim Executive Officer
	·	Board of Registered Nursing
		Department of Consumer Affairs
•	•	State of California
		Complainant

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